

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Notice: September 16, 2009

City of Rochester
30 Church Street, 124-B
Rochester, NY 14614
Telephone Number: 428-6552

On or about September 24, 2009 the City of Rochester will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant (CDBG) and Community Development Block Grant Recovery (CDBG-R) funds under the National Environmental Policy Act (NEPA) of 1969 and other applicable provisions of law specified in Title 24 CFR Part 58, to undertake the Nothnagle Realtors Project.

PROJECT DESCRIPTION

The project involves the acquisition and rehabilitation of the historic property at 217 West Main Street by Nothnagle Realtors for use as an office. The adjacent surface parking lot at 179-191 West Main Street will also be acquired to provide employee and visitor parking. The total cost of the project is \$4,460,000. The City is providing a \$1,005,391 CDBG grant and a \$485,159 CDBG-R grant.

It is the opinion of the State Historic Preservation Officer (SHPO) that the project will have no Adverse Impact upon cultural resources in or eligible for inclusion in the National Registers of Historic Places on the condition that consultation with SHPO continues as the design evolves.

If required, any remediation of known or suspected environmental contamination at the properties will be undertaken as part of the project.

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from NEPA requirements. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at City of Rochester, Department of Neighborhood and Business Development, City Hall, Room #125-B, 30 Church Street, Rochester, New York 14614, where ERR can be examined and copied, weekdays 9 A.M. to 5 P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Principal Staff Assistant, Department of Neighborhood and Business Development, City Hall, Room #125-B, 30 Church Street, Rochester, New York 14614. All comments received by September 23, 2009 will be considered by the City of Rochester prior to authorizing submission of a request for release of funds.

RELEASE OF FUNDS

The City of Rochester certifies to HUD that Mayor Robert J. Duffy in his capacity as Mayor consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City of Rochester to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the RE's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of Rochester; (b) the City of Rochester has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to U.S. Department of Housing and Urban Development, Buffalo Office, 465 Main Street, Lafayette Court, Buffalo, New York 14203. Potential objectors should contact HUD to verify the actual last day of the objection period.

Robert J. Duffy, Mayor
City of Rochester